

ORIGINAL REQUEST

Robin Patterson
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Via FAX

RE: Freedom of Information Act request
Expedited processing requested

Dept Of the Navy (OPNAV) PA/FOIA Policy Office
Freedom Of Information/Privacy Act Request

Date Received: _____ Statutory due date: _____

DON PA/FOIA/consult Tracking Number: 2014004404

Acknowledgement date: _____

Sept. 20, 2013

Good morning:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of the following:

- All emails in your archive sent to or from former Navy employee Aaron Alexis (DOB 5/9/1979). Responsive records should include, but should not limited to, emails associated with address (b) (6)
- All copies of DD 214 records belonging to Aaron Alexis (DOB 5/9/1979).
- All copies of completed Standard Form 86 regarding Aaron Alexis (DOB 5/9/1979).
- All emails to or from Navy personnel and any sender or recipient with an email address containing expertsit.com. Responsive records should include messages only in which the word "Alexis" is in the subject, body, "To," "From," "CC" or "BCC" fields of the message, and only sent or received from Sept. 1, 2012, to the present.

Because I am a member of the news media who is primarily engaged in disseminating information, I have an "urgency to inform" the public about federal government activity in accordance with § 552 (a)(6)(E)(v). Such a request for expedited processing meets established criteria for demonstrating a "compelling need": the records concern a matter of current exigency to the American public; that their delay would compromise a significant recognized interest; and that they concern alleged federal government activity. See generally *Al-Fayed v. C.I.A.*, 254 F.3d.300, 310 (D.C. Cir. 2001).

These records pertain to how the U.S. government responded to, or could have prevented, a mass shooting on a military installation.¹ In turn, such records are a matter of extreme public importance such that disclosure of would not apply to any exemption sufficient to warrant withholding or unnecessary delay under the FOIA. In fact, the only relevant public interest at stake is the extent to which disclosure of the information sought would "let citizens know 'what their government is up to.'" See *U.S. Dep't of Def. v. Fed. Labor Relations Auth.*, 510 U.S. 487, 497 (1994) (quoting *DOJ v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989)).

¹ Jack Gillum and Eric Tucker, HOW CAN RED FLAGS BE MISSED LIKE NAVY SHOOTER'S?, The Associated Press, Sept. 19, 2013.

Public interest in the prompt disclosure of the records is high, as it would shed light on the operations of government, particularly whether or not the Navy Department properly screened a contractor in light of the shooting. Prompt release of these records would therefore contribute to the public's understanding of a significant, recognized interest: how government officials perform essential duties to keep federal workers — and the public — safe.²

Because this is a request by the news media for records in the public interest, I ask that you waive any search fees in accordance with § 552(a)(4)(A)(ii)(II)³. If the fee for retrieving or reproducing these records will exceed \$50, please notify me before filling this request. I can be reached at (b) (6) or by electronic mail at (b) (6)

As you know, agencies must redact only what is necessary to protect exempt information and must explain the basis for any redactions. See *Georgacarakos v. F.B.I.*, No. 11-1655 (JDB), 2012 WL 6210119 (D. D.C. Dec. 12, 2012). As well, please provide documents to me on a rolling basis, rather than waiting for my entire request to be processed before releasing documents.

As a reminder, the President has directed that the FOIA “be administered with a clear presumption: In the face of doubt, openness prevails.” Memorandum for the Heads of Executive Dep’ts and Agencies, 74 Fed. Reg. 15, 4683 (Jan. 26, 2009), emphasis added. This instruction is unambiguous: “All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in the FOIA, and to usher in a new era of open government. The presumption of disclosure should be applied to all decisions involving the FOIA.” *Id.*

The Act, in § 552(a)(6), grants your office no more than twenty working days in which to respond to this request. See also *Oglesby v. U.S. Dep’t of Army*, 920 F.2d 57, 65 (D.C. Cir. 1990) (“Congress adopted the time limit provision in the FOIA in order to ‘contribute to the fuller and faster release of information, which is the basic objective of the Act.’” (quoting H.R. Rep. No. 93-876, March 5, 1974, reprinted (1974) U.S. Code Cong. & Ad. News 6267 at 6271)). Agencies therefore “should make it a priority to respond in a timely manner. Timely disclosure of information is an essential component of transparency.” Attorney General’s Memorandum for Heads of Executive Dep’ts and Agencies Concerning the Freedom of Info. Act, at 3 (Mar. 19, 2009), available from <http://www.justice.gov/ag/foia-memo-march2009.pdf>.

I affirm the information provided above, including information applicable to my request for expedited processing, is true and correct to the best of my knowledge and belief.

Thank you for your assistance. I look forward to your prompt reply.

With regards,

(b) (6)

² *Id.*

³ As amended by the OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524.